

Casey Joseph Beck BGT-8691
Name and Prisoner Booking Number
California Correctional Institution Facility 4B
Place of Confinement
P.O. Box 1906
Mailing Address
Tehachapi, CA 93581
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Casey Beck
(Full Name of Plaintiff) Plaintiff,

v.

(1) Premila Thomas
(Full Name of Defendant)
(2) Luong Nguyen
(3) _____
(4) _____
Defendant(s).
☐ Check if there are additional Defendants and attach Page 1-A listing them.

CASE NO. 1:20-cv-01115-SKO(PC)
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

Jury Trial Demanded
☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: California Correctional Institution Facility 4B4 Tehachapi

B. DEFENDANTS

1. Name of first Defendant: Premila Thomas. The first Defendant is employed as:
Nurse Practitioner at California Correctional Institution 4B Tehachapi
(Position and Title) (Institution)
2. Name of second Defendant: Luong Nguyen. The second Defendant is employed as:
Primary Care Provider / Doctor at California Correctional Institution 4B Tehachapi
(Position and Title) (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as:
_____ at _____
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: Right to Health Care

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On 02/08/20 I sustained a serious knee injury. My knee dislocated and ligaments around my knee were torn. My knee and all around my knee was swollen to the size of a basketball. I went to medical and was issued crutches, Ibuprofen, and an x-ray. On 02/14/20 I went to my follow up and spoke with NP Thomas. NP Thomas very briefly glanced at my knee and noted it was extremely swollen. She then lied to me and said nothing was wrong with my x-ray. I have documents clearly stating "Abnormal x-ray results". NP Thomas then told me that my knee was fine and that it was just swollen. She also told me that I did not need the crutches I was issued and that she was taking them from me and that I should try to walk normally. I very clearly and specifically explained that I could not walk normally on my leg even with the crutches. I expressed that I was experiencing the most intense pain I have ever felt and that I know something is seriously wrong with my knee and it wasn't just swollen. She still took my crutches and asked me to leave! NP Thomas knew of the abnormal x-ray results and she did not issue me a brace to protect my knee. She did not order an MRI or physical therapy. She did not give me a lower bunk cromo knowing I had to climb to a top bunk in a dorm in order to sleep. She did absolutely nothing after seeing how swollen my knee was and how much pain I was visibly in and how unstable I was when I moved around. I had to go to another nurse and ask for help and she re-issued me the crutches. I wrote several request for help because I could not walk, exercise, participate in my wedding vix or any other rehabilitative programs of work. I was given absolutely no relevant medical help which caused further injury. NP Thomas was extremely indifferent to my pain, suffering, and injury and showed negligence to my health care.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
My injury did not start healing properly and due to lack of care I suffered a concussion, because my knee collapsed on me and also made my knee injury worse. I'm also experiencing extreme psychological distress which is affecting me severely.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

CLAIM II

1. State the constitutional or other federal civil right that was violated: Right to Health care

2. **Claim II** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

From 02/20/20 to Late June I submitted several requests and 2 medical grievances requesting proper medical help for a knee injury I sustained on 02/09/20. Dr. Nguyen was my primary health care provider through this time period. In every single medical request I submitted throughout this 4 month time period I specifically explained that my knee was extremely swollen and in extreme pain. I explained that I could barely walk and even with a cane for support it caused me extreme pain to put any type of pressure on my knee. In several requests I explained that the pain was getting worse, not better and the swelling was not going away and I was starting to feel pain in new places. In some of these requests I asked for a knee brace and an MRI and was denied every time even after I stated supporting facts from educational medical documents for self care that a nurse gave me that specifically states that a knee brace or splint should be issued to protect the knee until pain and swelling goes away which usually takes 4 to 6 weeks. These documents also explain that if pain and swelling do not go away, gets worse, or changes I should seek medical assistance immediately. I requested many times for help because the pain and swelling were getting worse. From 02/20/20 it took many requests and approximately 5 to 6 weeks to finally see Dr. Nguyen. I spoke to Dr. Nguyen through a video screen and not only did he not even look at my knee which was still swollen to the size of a basketball but he could not do a proper exam. All he did was issue me more Ibuprofen after I specifically explain the extreme pain I was in. I also stated some of the facts of the medical care documents I was given. I was given no help at all and he was very indifferent to my pain and suffering. I filed a grievance and continued sending requests for help. After another 6 weeks and many requests

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

My injury would not heal correctly and caused me constant extreme pain for many months and is still extremely painful do to lack of help. I also sustained a concussion because my knee collapsed on me. I also have experienced bad psychological issues because of this. Because of lack of care there's potential permanent damage.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

Cause of Action Continued
Claim II Continued

I spoke with Dr. Nguyen again over a video screen. I explained that I was still experiencing extreme pain and swelling and still could barely walk without experiencing severe pain even with support. I also requested an MRI because it was more than 3 months since I sustained the injury and the pain and swelling was not going away and getting worse. He denied my request stating that the state will not allow him to refer me for an MRI until I went to physical therapy. Because Dr. Nguyen was not being helpful I asked the C.O. and medical assistant in the office with me to show them my leg because the doctor would not even ask to see it for himself. Everyone including Dr. Nguyen saw that my knee, all around my knee, and all the way down to my foot was still extremely swollen after more than 3 months. I even explained the fact that my family had contacted other doctors and they said that an MRI should have been done if after 4 to 6 weeks the swelling doesn't go down. Still Dr. Nguyen only issued me a referral to physical therapy and to this day I have not seen a physical therapist. Once again I left and immediately filed another grievance because Dr. Nguyen was showing complete indifference to my pain and suffering and my injury which was visibly very bad. Finally on 06/01/20 I saw P.A.R. Wilson concerning the grievance I wrote. I explained my issues and he then asked to see my knee and saw that it was still extremely swollen and could tell visibly that it was causing me a lot of pain and difficulty to stand and walk. P.A. Wilson immediately scheduled me for an MRI and ordered a knee brace which should have been issued to me from the start. Several weeks later I did the MRI and the results came back that the bones were grinding on my knee cap and I had a serious tear in a ligament and I was then referred for surgery. On 06/07/20 about a week before I did the MRI my knee locked and then as I tried to steady myself my knee collapsed and as I fell I hit my head hard on a metal shelf and sustained a concussion. This happened after I have been requesting for months to get proper medical treatment and Dr. Nguyen continued to put this off like it was not serious. I have even had to request mental health help because of the stress and anger and extreme anxiety this is causing me. My injury is preventing me from doing anything physical. I can barely walk. I cannot exercise. I cannot participate in my welding vocation or any rehabilitative programs or work.

Dr. Nguyen did not follow proper procedures or protocols. He knew of the abnormal xray results. He absolutely refused to issue me an MRI after more than 4 months of pain and extreme swelling. He did not issue me a knee brace like he should have. He would not listen to my constant complaints of pain and would not acknowledge the medical documents his nursing staff gave me to help. He did nothing but issue me Ibuprofen. My injury is very serious and could potentially cause permanent damage if not treated properly and timely. For the simple fact that it is preventing me from doing any programming for my rehabilitation should have been enough for Dr. Nguyen to take the initiative and do what was necessary to help me instead of telling me there is nothing he can do because the state doesn't want him to. P.A. Wilson did it without hesitation and now I'm finally receiving some better care. Dr. Nguyen showed complete indifference medically to my injury, pain, and suffering and would not provide me with the health care I desperately needed.

E. REQUEST FOR RELIEF

State the relief you are seeking:

I am seeking \$350,000⁰⁰ in cash damages for the pain and suffering both physically & mentally and for the possibility of permanent damage because of the lack of proper treatment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/26/20
DATE

Casey Brink
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.